



## TOWN OF EASTHAM

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### EASTHAM ZONING BOARD OF APPEALS MEETING MINUTES

Earle Mountain Room  
July 1, 2021, 5:00 pm

ZBA members present: Edward Schneiderhan, Gay Craig, Joanne Verlinden, Robert Sheldon, Robert Bruns  
ZBA members absent: Brian Ridgeway  
Staff present: Paul Lagg, Town Planner

ZBA Vice Chair Joanne Verlinden opened the meeting at 5:00 pm, explained new temporary meeting protocols and stated the meeting was being recorded.

Reorganization of the Board

A **MOTION** by Bob Sheldon to elect Ms. Verlinden as Chair, Mr. Bruns as Vice Chair and Ms. Craig as Clerk, **seconded** by Ed Schneiderhan.

In favor: Schneiderhan, Craig, Verlinden, Sheldon

Opposed: None

**The VOTE:** 4-0

**Motion passed – Unanimous**

**Case No. ZBA2021-8** – (continued from 6/3/21) 8 Penny Lane, Map 10, Parcels 308/307. Carol and Richard Rennert (Owners) seek a Special Permit pursuant to M.G.L. c. 40A s. 6 and Eastham Zoning By-law section 7.2 (setbacks) and 4.3 (non-conforming uses) to demolish a pre-existing non-conforming dwelling and construct a new non-conforming dwelling.

*Seated on case: Sheldon, Verlinden, Craig*

The applicant had requested a continuance to the August hearing. A **MOTION** by Bob Sheldon to continue Case No. ZBA2021-8 to August 5, 2021, **seconded** by Gay Craig.

In favor: Sheldon, Craig, Verlinden

Opposed: None

**The VOTE:** 3-0

**Motion passed – Unanimous**

**Case No. ZBA2021-9** – 1180 Old Orchard Road, Map 6, Parcel 15. Joan C. Cummings Trust (Owner) seeks a Special Permit pursuant to M.G.L. c. 40A s. 6 and Eastham Zoning By-law section 7.2 (setbacks) and 4.4 (non-conforming uses) to demolish a pre-existing non-conforming dwelling and construct a new non-conforming dwelling.

*Seated on case: Schneiderhan, Sheldon, Verlinden, Craig*

John O'Reilly, Joan Cummings and Chris Dio were present. Mr. O'Reilly described the proposal. The board members asked why the house was not moved further back on the lot. Mr.



Dio responded the applicant wished to work around an existing addition with full basement as well as maintain existing landscaping on the lot. There were no other questions from the Board or from the public.

Ms. Craig read the proposed **findings of fact**:

1. The property is located at 1180 Old Orchard Road (Map 6, Parcel 15) and is located in District A (Residential).
2. The applicant has applied for a Special Permit pursuant to M.G.L. c. 40A s. 6 and Eastham Zoning By-law section 7.2 (setbacks) and 4.4 (non-conforming uses) to demolish a pre-existing non-conforming dwelling and construct a new non-conforming dwelling.
3. The lot size is pre-existing non-conforming at 33,106 sf.
4. After an evaluation of all the evidence presented, the proposed use will not be substantially more detrimental to the established or future character of the neighborhood or the Town and the structure involved will be in harmony with the general purpose and intent of the Zoning By-law and zoning district. The proposed dwelling is a permitted use within the residential zoning district. The lot is pre-existing non-conforming at 33,106 sf (minimum 40,000 sf required). The existing structure is non-conforming to side (north) setback (18.7 feet where 25 feet is required). The proposed dwelling will result in a modest improvement to the setback but remain noncompliant at 18.9 feet. The project will comply with all other applicable dimensional requirements.
5. The proposal will not have a negative impact on traffic flow and/or safety. The existing driveway provides adequate parking and maneuvering space via a semi-circular driveway to allow for head-on access onto Old Orchard Road, which is a high volume public roadway.
6. The proposal will not have a negative impact on the visual character of the neighborhood. The visual impact from the street will be minimal. The property contains ample existing vegetation and plantings, which will remain in place, providing an effective visual buffer and privacy to surrounding properties. The proposal falls below the threshold for site plan review.
7. The proposal does have adequate methods of sewage disposal, sources of potable water and site drainage. The project includes installation of a new Title 5 septic system and municipal water is available at the property. No negative issues pertaining to the wastewater utilities were identified.
8. The proposal does provide adequate protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies. The project includes installation of a new Title 5 septic system and municipal water is available at the property. No negative issues were identified.
9. The proposal does provide adequate provision for utilities and other necessary or desirable public services. No issues related to the current or proposed utilities have been identified.
10. The proposal does provide adequate protection from degradation and alteration of the natural environment. The site is not located within any resource areas.
11. Artificial light, noise, litter, odor or other sources of nuisance or inconvenience will be adequately controlled. Conditions controlling exterior lighting will be added to the Special Permit. No other relevant issues were identified.
12. No abutters appeared regarding the proposal and no letters were received regarding the proposal.

A **MOTION** by Ed Schneiderhan to approve the findings of fact as stated, **seconded** by Bob Sheldon.



In favor: Schneiderhan, Craig, Sheldon, Verlinden  
Opposed: None  
**The VOTE:** 4-0  
**Motion passed – Unanimous**

Mr. Sheldon read the **conditions**:

1. No building permit shall be issued until the application complies with all pertinent sections of the Town of Eastham Zoning By-Law.
2. The applicant shall obtain a demolition and building permit from the Eastham Building Department prior to the start of the project.
3. The applicant shall verify bedroom count and septic design for adequacy with the approved plan with the Eastham Health Department and if necessary shall obtain Board of Health approval prior to the issue of a building permit.
4. All exterior lighting shall be down shielded to prevent light spill and nuisances to adjacent properties.
5. The applicant/owner shall install an asphalt apron at the end of the driveway where it connects to Old Orchard Road.
6. The applicant is responsible for providing building plans to the Eastham Building and Fire Departments. Plans shall contain information on construction methods and materials sufficient to conduct a full code compliance review.
7. Plan reviews conducted by town staff as part of this site plan approval have been conducted for conformance with applicable sections of the zoning bylaw and for adequacy of the site for public safety access and environmental impacts. Additional plan review for health and safety code compliance will be required and may result in changes to the approved plans. Any changes to the proposed site plan dated 5/24/21 or building plans dated 2/8/21 rev. 5/27/21 except those that are de minimis must be reviewed by the Zoning Board. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.
8. The Board reserves the right to monitor the ongoing construction for compliance with the approved plan.
9. The applicant shall remove the existing shed from the property.

A **MOTION** by Gay Craig to approve the conditions as stated, **seconded** by Ed Schneiderhan.

In favor: Schneiderhan, Craig, Verlinden, Sheldon  
Opposed: None  
**The VOTE:** 4-0  
**Motion passed – Unanimous**

A **MOTION** by Ed Schneiderhan to **GRANT A SPECIAL PERMIT** for Case No. ZBA2021-9 to demolish a pre-existing non-conforming dwelling and construct a new non-conforming dwelling, **seconded** by Bob Sheldon.

In favor: Schneiderhan, Craig, Verlinden, Sheldon  
Opposed: None  
**The VOTE:** 4-0  
**Motion passed – Unanimous**

Designate representative to serve on Strategic Planning Committee

Mr. Bruns arrived at the hearing and volunteered to serve as the Strategic Planning Committee representative. A **MOTION** by Bob Sheldon to appoint Mr. Bruns as representative on the Strategic Planning Committee, **seconded** by Ed Schneiderhan.

In favor: Schneiderhan, Craig, Verlinden, Sheldon, Bruns

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

#### Minutes

A **MOTION** by Ed Schneiderhan to approve the minutes of June 3, 2021, **seconded** by Gay Craig.

In favor: Schneiderhan, Craig, Verlinden, Sheldon, Bruns

Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

#### Adjournment

A **MOTION** by Bob Sheldon to adjourn the hearing, **seconded** by Gay Craig.

In favor: Schneiderhan, Craig, Verlinden, Sheldon, Bruns

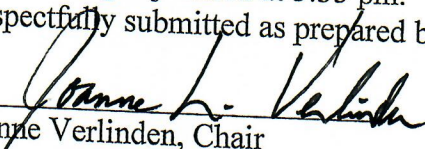
Opposed: None

**The VOTE:** 5-0

**Motion passed – Unanimous**

The meeting adjourned at 5:35 pm.

Respectfully submitted as prepared by Debbie Cohen

  
Joanne Verlinden, Chair  
Zoning Board of Appeals